



City of Cincinnati

Citizen Complaint Authority

Eden Park



Taft Museum



Krohn's Conservatory



Roebling Suspension Bridge

2008 Annual Report

City of Cincinnati



Interdepartmental Correspondence Sheet

January 5, 2009

Honorable Mayor Mark Mallory
Council Members
City Manager, Milton R. Dohoney, Jr.
Citizen Complaint Authority Board

I present to you, the public and city employees the sixth annual report of the Citizen Complaint Authority (CCA). This report covers October 1, 2007 through September 30, 2008 and is being submitted pursuant to section eight-six of the Collaborative Agreement. This report outlines statistical complaint data and summarizes the activities of the agency for the year.

During the year, the one year transition period that the parties agreed to ended and the city has moved from under federal court supervision. There were a number of issues in the Collaborative Agreement that the parties had not resolved related to problem solving. The city and the parties agreed to a one-year transition period to resolve those issues. As both agreements ended, CCA is in compliance with all of the mandated requirements. We will ensure that all of the operating procedures of both agreements are strictly adhered to unless the agency receives other directives from the City Manager.

In order for a police civilian oversight agency to be successful, there must be a professional working relationship with the police agency that it oversees. CCA has maintained a professional relationship with the Cincinnati Police Department and Police Chief Thomas Streicher, Jr. Although sometimes we disagree, the professionalism remains.

During the six-year period of the agreements, CCA reviewed approximately 2400 complaints and investigated approximately 800. The complaints CCA did not investigate were referred to the police department for its Citizen Complaint Resolution Process (CCRP). Of the total number of complaints reviewed, approximately 30% were discourtesy and 25% were excessive force allegations.

I commend the CCA board led by Chairperson Steven MacConnell for their dedicated work and service to the community. The entire CCA staff also deserves recognition for its dedication and hard work over the past year. CCA is committed to provide the citizens of Cincinnati with a first class police civilian oversight agency dedicated to its mission.

Kenneth E. Glenn
Kenneth E. Glenn
CCA Director

City of Cincinnati



Interdepartmental Correspondence Sheet

January 27, 2009

Honorable Mayor Mark Mallory
Council Members
City Manager Milton R. Dohoney Jr.
Citizen Complaint Authority Board

During the year 2008, I was honored to serve as Citizen Complaint Authority's (CCA) Board Chair. During this time, the direction of CCA has been set by Mr. Kenneth E. Glenn, Director, with the assistance of Mr. Gregory Pychewicz as Chief Investigator. These men, along with their staff, have shown extraordinary leadership, skill and capability in moving CCA to a place of significant benefit to the City of Cincinnati and its community relations with law enforcement.

I've had the privilege of serving with David D. Black, Anthony E. Thomas, Jr., John S. Fronduti, Esq., Kristen M. Myers, Esq., Ozie Davis III, Esq., and Carole Cutter-Hawkins. It has been a distinct pleasure and honor to work with these dedicated board members throughout the year.

It has been clear to me that the parties to the Collaborative Agreement and in particular, the Cincinnati Police Department (CPD) and CCA have continued an effective, cooperative working relationship. Obviously, in order for police oversight to be successful, cooperation between the agencies must be established. Through Mr. Glenn's leadership, CCA and CPD have jointly developed a mutually agreeable protocol for sharing information and hearing complaints. This system of working together has begun to forge an understanding between the two departments so that ultimate value to the community can be delivered by determination of all relevant facts and the fair resolutions of them. All parties should want this result, and they do. The highest levels of quality and compliance can only be established in this manner.

While much has been accomplished, going forward the Board would continue to encourage citizen participation in the hearing process. Only through hearing the voices of the citizens can we understand their positions and improve relationships between the community and CPD. Accordingly, we will be working hard to determine new ways to communicate the nature of CCA's work to community members and ask for their participation and understanding. Additionally, as we move into the next level of cooperation between CPD and CCA, I believe two areas of work might be addressed. The first is targeted training in areas most frequently encountered through citizen complaints. The second is strengthened supervisor oversight at middle levels of command.

CCA has recently published its Patterns Report. This report tracks trends and patterns of troublesome police/community areas. The Collaborative Agreement dictates that CPD and CCA shall participate in problem solving, when trends are identified to address root causes and prevention initiatives. While tremendous progress has been made, problem solving should be initiated in these areas: taser use, excessive force and discourtesy. I strongly believe that there have been significant community gains in the recent past as a result of CCA's oversight agency, and encourage the Mayor, Council and City Manager to support and strengthen this process wherever possible.

Finally, I would like to thank my fellow board members and the staff of CCA for their dedicated and exceptional work on difficult issues, and yet ones which unite community members with its law enforcement organization. It has been a pleasure and privilege to serve as Chair of this distinguished board, alongside CCA's staff and law enforcement representative.

Very truly yours,

Stephen MacConnell
Stephen T. MacConnell
Chairman of the Board

Citizen Complaint Authority

MISSION STATEMENT

*The mission of the Citizen Complaint Authority is to **investigate** serious interventions by police officers including, but not limited to discharging of firearms, deaths in custody, use of excessive force, improper pointing of firearms, improper search and seizures, and to **resolve** all citizen complaints in a **fair and efficient** manner.*

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"Decide what you want, decide what you are willing to exchange for it. Establish your priorities and go to work."

-H.L. Hunt

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AGENCY OVERVIEW



Introduction

As a result of repeated lawsuits and the public's demand for a Department of Justice (DOJ) investigation, the former Mayor of Cincinnati (Charlie Luken) requested that the DOJ review the Cincinnati Police Department's (CPD) use of force policy. The Mayor's request was a major step in promoting police integrity and the city's commitment to minimizing the use of excessive force in the police department. In response to that request, DOJ conducted an investigation pursuant to its authority under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C., Section 14141.

To affirm the commitment, the city entered into the Collaborative Agreement (CA) and Memorandum of Agreement (MOA). The parties to CA included the Black United Front (subsequently asked and received permission to be released from the agreement), the American Civil Liberties Union and the Fraternal Order of Police. Both agreements required the city to create a police oversight agency.

In April 2002, the Citizen Complaint Authority (CCA) was created as an independent police oversight agency by City Ordinance No. 0108-2002. The agency was created with investigative and administrative authority. Additionally, CCA's board has the authority to issue subpoenas for documents, photographs and other tangible items. If a key witness, other than a city employee, refuses to cooperate in an investigation, the director may recommend to the board that a subpoena be requested to compel such testimony. The board shall then have the authority to require a subpoena from City Council.

CCA was structured with the following three operating components:

- (1) An independent volunteer board of seven citizens appointed by the Mayor and approved by City Council
- (2) A full time director and support staff
- (3) A team of professional investigators

In August 2008, the final year for federal court supervision officially ended. The Cincinnati Police Department has been monitored by Federal Monitor Saul A. Green and his monitoring team for the past six years. The intent of the Collaborative and Memorandum Agreements was to foster a better relationship between the community and the police department. Though the work will never end, the two agreements have laid a solid foundation for the city to move forward on its own. City Manager Milton Dohoney, Jr. has shown tremendous leadership and a commitment for the continuation of the provisions in the agreements.

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CCA's Vision

To ensure the City of Cincinnati is served by an independent, fair, impartial police oversight agency committed to accountability, transparent and quality of service.



The Board of Citizens

The board is comprised of seven members who represent a cross-section of the Cincinnati community. Each board member has the requisite education and experience to impartially review evidence and render judgments on alleged officer misconduct. The board members serve a maximum of two, two-year terms with the exception of three initial appointees who had one-year appointments. Those three were limited to a single second term of two years in order to ensure that the board had staggered terms.

The Mayor accepts nominations from the City's 52 community councils, businesses, civic, social service and other agencies and organizations. The Mayor also accepts applications from individual city residents. Applicants must be a resident of the City of Cincinnati, remain a Cincinnati resident, and execute a signed release authorizing a thorough background check including a criminal background check. No person may serve on the Board who has been convicted of: (1) a felony, (2) an assault on a police officer, or (3) any crime of dishonesty. The 2008 Board members are listed below:

- Stephen T. MacConnell, Esq., Chair
- David Black
- Ozie Davis, III, Esq.
- John S. Fronduti, Esq.
- Carol Cutter-Hawkins
- Kristen M. Myers, Esq.
- Anthony E. Thomas, Jr.

The term for David Black ended January 1, 2009. The staff of CCA and the city administration would like to thank him for his service to the community.

Board Responsibilities

The board is charged with:

- Reviewing each investigative report to confirm its completeness
- Conducting review hearings to approve or disapprove the investigative report, the findings and recommendations. The board will submit its reasons and may direct further investigation or submit its own findings and recommendations along with the director's original report to the City Manager and the Chief of Police
- The board and director shall develop the specific procedures necessary for CCA to carry out its mission, including the procedure to convene hearings on cases, procedures for investigations, procedures for coordination of work with CPD, and other operating procedures.

Board Hearings and Procedures

Board hearings are held on the first Monday of each month at 6:00 p.m. in the Council Chambers at City Hall. Prior to the board meeting, the director forwards a copy of each report with recommended findings to each board member for review. Additionally, copies of the reports are sent to the complainant, the respondent officer(s) and the Chief of Police notifying the parties of the board meeting. The complainant and the respondent officer(s) are notified that they may challenge and/or appeal the director's recommendation to the board.

Staff 2008

Director

The City Manager consults the board and seeks the board's recommendation when appointing the director. However, the final decision is made by the City Manager. The director shall have professional experience in the investigation of police misconduct. As stated in CA, the director is responsible for the day-to-day operations of the agency, including: (i) recommendations for hiring of professional and support staff, (ii) preparation, submission and adherence to a budget, (iii) conduct and timely completion of investigations, (iv) reporting to the City on the agency's work, and (v) maintaining an effective working relationship with CPD and other branches of government.

Kenneth E. Glenn was appointed director on December 6, 2006 by City Manager Milton R. Dohoney, Jr. Mr. Glenn began his career with the City of Cincinnati, CCA in April, 2003 as an Investigator. In April, 2005 he was appointed Chief Investigator, and on December 1, 2005, Mr. Glenn was appointed Interim Director by City Manager David Rager. Prior to his employment with the City of Cincinnati, he retired as a sergeant with the Detroit Police Department. While employed with the Detroit Police Department, he was assigned to the law department where he worked closely with city attorneys investigating lawsuits against the police department. As a supervisor, he conducted internal investigations regarding allegations of police misconduct.

Chief Investigator

Gregory Pychewicz began his career with the City of Cincinnati, April, 2003. On November 6, 2006, Mr. Pychewicz was appointed Chief Investigator. Prior to his employment with the City of Cincinnati, he was a retired detective with the Columbus Police Department. During his service with the Columbus Police Department he served 19 years in the detective bureau as an investigator. While serving in the detective bureau, he was assigned to several units including the juvenile, burglary, robbery, sexual abuse, theft, and intelligence units.

Investigators

Dena Brown began her career with the City of Cincinnati, in March, 2006. Prior to her employment with the City of Cincinnati she was a Probation Officer for 11 years with Hamilton County Adult Probation Department.

Reuben Dunbar began his career with the City of Cincinnati, March, 2007. Prior to his employment with the City of Cincinnati, he worked as a probation officer with Hamilton County. Mr. Dunbar also serves as CCA's community outreach speaker which entails providing multi-organizations such as schools, churches, and non-profit organizations the information and resources on how to improve community/policing relations.

David Moonitz began his career with the City of Cincinnati, in April, 2003. Prior to his employment with the City of Cincinnati, he worked as an insurance fraud investigator. Mr. Moonitz worked with the Hamilton County Adult Probation Department after retiring from the Hamilton County Sheriff's Office. During his service with the sheriff's office, he spent 19 years in criminal investigations, working as a detective, sergeant and lieutenant. Mr. Moonitz also served as the criminal investigations unit executive officer supervising specialty units, including internal affairs and first line supervisors.

Support Staff

Michelle Bonner began her career with the Cincinnati Health Department as a Clerk Typist in November, 1991. Ms. Bonner also served as a supervisor in Real Estate Services from 2000-2002. In this position, she had direct supervision of clerical staff as well as providing technical support to real estate staff, which included maintaining a database of real estate transactions. She served as a Support Services Specialist in the City of Cincinnati's Law Department from 2002-2006. In this capacity, she was primarily responsible for reconciliation

of the expenses, payment to vendors, and other administrative matters. Ms. Bonner began her career with CCA in May 2006.

Desiree Scott began her career with the City of Cincinnati in May, 2005 as a Clerk Typist II in the Director of Transportation & Engineering's Office. Ms. Scott joined CCA in February, 2008 as an Administrative Technician.

Patricia Sumner began her career with the City of Cincinnati as a Clerk Typist in November, 2007. Prior to that she obtained her Bachelor's degree in Paralegal Studies from the College of Mount Saint Joseph.

Filing a Complaint

In order to ensure that citizens are assisted in a timely, efficient and professional manner, CCA follows certain guidelines for accepting and investigating complaints. Any citizen can file a complaint concerning a Cincinnati police officer. Additionally, the agency also accepts third party complaints.

Complaints may be filed with CCA or with CPD. The complaint may be filed by telephone, mail, fax, in person, or the Citizen Complaint Authority email address: CCA-complaints@Cincinnati-oh.gov. Complaint forms may be obtained at CCA's office or CCA's website: www.cincinnati-oh.gov. Complaints must be submitted within one year of the date of an incident. Any complaints submitted after one year of the alleged misconduct may, however, be reviewed by the director. The agency will not accept complaints concerning incidents predating the effective date of CCA.

Assignment and Investigation of a Complaint

Upon receipt of a complaint, the director reviews the complaint and it is assigned within 48 hours to a investigator for investigation. A copy is also submitted to the Chief of Police within five business days of the date assigned.

Investigative Guidelines

Complaints are evaluated based on a preponderance of the evidence standard¹. CCA will consider all relevant evidence including circumstantial, direct, and physical evidence and make credibility determinations. The following are the agency's investigative guidelines:

- There will be no automatic preference for an officer's statement over a non-officer's statement.
- Statements of witnesses will not be disregarded because the witness has some connection to the complainant.
- Every effort will be made to resolve material inconsistencies between statements of witnesses.
- During the investigation, investigators will refrain from asking officers or other witnesses leading questions that improperly suggest legal justifications for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
- All relevant police activity, including each use of force, and not just the type of force complained about, will be investigated.
- Investigations will evaluate any searches or seizures that occurred during the incident.

¹ The greater weight of evidence favors one side rather than the other

- An investigation will not be closed simply because the complaint has withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury. Instead, the investigation will continue to determine whether the original allegation(s) can be resolved.
- The guilty plea of a complainant will not be considered as evidence whether an officer used or did not use a type of force, nor will it justify discontinuing the investigation.
- The complainant will be periodically advised regarding the status of the investigation.
- Each allegation in an investigation will be resolved with one of the following dispositions:
 - o **Unfounded** – where the investigation determined no facts to support the incident complained of actually occurred
 - o **Sustained** – where the person’s allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper
 - o **Not Sustained** – where there are insufficient facts to decide whether the alleged misconduct occurred
 - o **Exonerated** – where a preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training

After completion of the investigation, the investigator forwards the report to the chief investigator who reviews it for thoroughness. After the chief investigator reviews the report, it is forwarded to the director for review.

Upon completion of an investigation, the director forwards the investigative reports to the board. The board conducts a review hearing solely for the purpose of confirming the completeness of the investigation and approving or disapproving the director’s report.

Where the findings and recommendations are approved, they are submitted to the Chief of Police and City Manager. The City Manager shall agree, disagree or agree in part with any findings and recommendations either by the board or director, and shall inform the director and the board in writing of any reason for agreeing in part or disagreeing. Of the investigations completed in 2008, the City Manager reviewed 216 allegations against officers.

Serious Police Intervention Incidents



During 2008, CCA's staff was notified of seven shots fired incidents. Six involved a dog and one was an accidental discharge. None of the shooting incidents involved a citizen. In addition, one of CCA's investigations was of a complaint involving officers searching a person's residence where the complainant stated she did not give the officers permission to enter and search.

2008 Sample Case Review

A woman filed a complaint stating two officers entered her apartment without permission, looking for a wanted subject. The officers stated the woman invited them in and they searched rooms looking for a person wanted for an assault. The officer contended they did not look in closets or open any doors or cabinets during the search. CCA's investigator had the two officer's and the complainant's statement of what occurred. CPD's policy 12.700 Search Warrant/Consent to Search list that officers must have a, "Consent to Search" form signed by a resident before searching without a search warrant unless exigent circumstances exist.

The officers did not have a search warrant nor did any exigent circumstance exist, so the officers were required to have a consent to search form signed by the resident. CCA concluded the officers failing to have the consent form signed gave more weight to the complainant's explanation of what occurred. The courts held that the burden of proof weighed on the officers to show they had consent. The officers were found in violation of the policy and the complainant's allegation of an improper search was sustained. The police department contended that the officers failed to obtain a sign copy of the consent form only violated an improper procedure and not an improper search.

The CCA board agreed with the director's recommendation that the officers conducted an improper search.

The City Manager reviewed the investigation and both CPD and CCA's recommended findings. The City Manager agreed with CCA and in his comments wrote; "The officer statements provided a context for the environment they were at the apartment. Lawful searches are a key part of a police officers work and is part of their training. Both officers clearly had the opportunity to obtain a written consent to search, but for some reason did not do so. Even if the civilian did verbally agree, it was the officer's obligation to obtain the signature or follow procedure if she refused. It is impossible to judge the officer's intent. This represents a retraining situation especially given that there were no exigent circumstances present for them to enter the apartment without permission."

In the August 26, 2008, Staff Notes, the Chief informed the department of a revision of the consent to search procedure. It states, "Recent court decisions have placed the burden of proof regarding consent to search without a warrant on law enforcement agencies to show voluntary consent was given. It is now mandatory for an officer, wishing to conduct a consensual search, to obtain a signed copy of the Consent to Search without a warrant, before any search occurs. This includes

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*"Learn to
pause...or
nothing worthwhile
will catch up
to you."*

*-Doug King
Business Executive*



persons, vehicles and buildings.”

Procedure 12.537 added that all consent to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded. Both audio and video recordings will be made of the request and consent when practical.

Procedure 12.700 states: Request individuals to sign a Consent to Search without a warrant form, before conducting all consent to searches including vehicles, persons, buildings, areas, computers, electronic devices or residence.

As a result, CPD issued Training Bulletin #2008-04 to ensure that all department personnel are familiar with updated procedures relating to consent searches.

Director's Summary of Activities



During the seventh year of operation, CCA looks forward to working with the Mayor, City Manager, City Council, CPD and the citizens of Cincinnati to ensure the agency has the resources it needs to perform tasks. CCA will continue to operate as an agency that provides the citizens of Cincinnati with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints.

CCA has an excellent staff and the entire team will be working in 2009 to be as efficient as possible. The agency's success can be attributed to the steps the agency has taken to stretch its resources and develop creative ways to enhance the agency.

2008 Operating Budget

The operating budget for fiscal year 2008 was \$543,650. The breakdown is listed as follows:

| | |
|-----------------------|------------------|
| Personnel Services | 491,070 |
| Professional Services | 32,600 |
| Materials & Supplies | 15,830 |
| Fixed Charges | 4,150 |
| TOTAL | \$543,650 |

CCA and CPD Relationship

In order for the agency to be effective, it is important that a relationship of mutual respect be maintained with CPD. CCA and CPD established a written protocol for the timely exchange of information and coordination of investigations. The director and the IIS Commander meet monthly to reconcile cases that have been investigated and prepared for the monthly board meeting. The relationship of mutual respect and professionalism continued through 2008.

Complaint Patterns

CCA examined two types of complaint patterns: (1) repeat officers and (2) repeat citizen complaints. In 2008, CCA reviewed the past three years and identified officers that had complaints filed from ten or more complainants. CCA also identified citizens that had filed more than three complaints against officers in that same three-year period. The same criteria was used in January 1, 2006 through December 31, 2008.

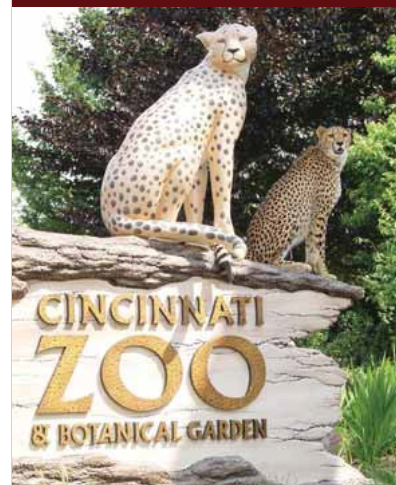
International Visitor Leadership Program

CCA continues to support the Cincinnati International Leadership Program by being included in the International Dignitaries Program with one-on-one discussions on: issues surrounding conflict resolutions, good governance and rule of law and how these principals are used to mitigate conflict and work through problems and building stability among diverse elements of the community and promote greater cross cultural awareness.

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*"He who controls
others may be powerful,
but he who has
mastered himself is
mightier still."*

*-Lao Tzu
(c. 600 BC - 531 BC)
Chinese Philosopher*



Representatives from countries of New Zealand, Russia, Germany, the Netherlands, Zimbabwe, Ghana, Saudi Arabia, Thailand, Kenya, Austria, Belarus, Bulgaria, Croatia, Denmark, Germany, Hungary, Iceland, Latvia, Lithuania, Macedonia, Montenegro, Slovenia, Spain, and Turkey had discussions with CCA staff. Titles of the dignitaries range from Foreign Affairs Writer, Journalist, Editor, Political Editor, Political Reporter, and Diplomatic Correspondent. In addition Mayor Don Plusquellic of Akron, Ohio, who was recently appointed to Independent Police Auditor, visited CCA. He was interested in learning about CCA's daily oversight operations including a step-by-step procedure for people who walk in the office, logging/retrieving complaints, CCA's database, etc., to assist him with a new complaint log/retrieval program that was being implemented with his organization.

CCA Training

Staff members attended various training courses throughout the year to improve the quality of service to internal and external customers. Members of the staff attended a Rhythmyx 12-hour training course. The staff attended the City Manager's training, "Monday Morning Leadership." Several support personnel honed their computer software skills by taking computer courses. Administrative Technician Desiree Scott attended the Reid & Associates School for interviewing. The director and the investigators attended a number of workshops related to the police oversight profession at the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in Cincinnati, Ohio. Director Glenn was the moderator of the Collaborative Agreement workshop, where panelists discussed their perspective of the agreement and its affect on relations between the community, the police department and the role civilian oversight has played. CCA staff members also attended a number of the City required courses that were offered by the Human Resources Development Academy. Also, several employees attended course sessions for enrichment and personal development such as, "The City is Going Green". The City is Going Green, is an orientation for recycling. Participants learned how to implement and maintain an effective program to improve current department programs.

Statistics



The Collaborative Agreement and the policies of CCA mandate the review of all allegations of police misconduct, including major uses of force, excessive force, discharging a firearm, death in custody, improper pointing of a firearm, improper search and seizures, improper entry and discrimination. The agency reviewed three hundred and thirteen (313) complaints in 2008 for an average of 26.10 complaints per month. This is a decrease of 3.25 complaints per month over 2007. Of those complaints, one hundred and ninety-two (192) were referred to or investigated by Cincinnati Police Department (CPD) in accordance with its Citizen Complaint Resolution Process (CCRP). One hundred and eight (108) cases were retained and investigated by CCA and thirteen (13) were classified as criminal or non jurisdiction complaints. In 2008, there was an increase of 10% of CCA investigations with a 12% increase in allegations and a decrease of 8% of CCRP investigations with fewer compared to 2007.

CCA is presently using October of the previous year through September of the present year for its annual report statistical data. This allows for a more efficient report. For information purpose during the calendar year of 2008, CCA investigated 108 complaints.

Complaints

Chart 1: Complaints Received

| Case Type | # Received | Percentage of Total |
|---------------------------|------------|---------------------|
| CCA Investigations | 108 | 35% |
| CCRP Referral | 192 | 61% |
| Criminal/Non Jurisdiction | 13 | 4% |
| TOTAL | 313 | 100% |

Allegations

Chart 2: Allegations

| | Total Allegations | Percentage of Total |
|---------------------------|-------------------|---------------------|
| CCA | 216 | 43% |
| CCRP | 264 | 54% |
| Criminal/Non Jurisdiction | 13 | 3% |
| TOTAL | 493 | 100% |

Witnesses Interviewed

Of the one hundred and eight (108) complaints investigated by CCA, one hundred and ninety (190) civilian and two hundred and forty-seven (247) police were interviewed for a total of four hundred and thirty-seven (437) witnesses involved in the investigations. An increase of 15% in total witnesses interviewed compared to 2007. Chart 3 shows the total witnesses interviewed.

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*"It is what we think
we know already that
often prevents us
from learning."*

*-Claude Bernard
(1813-1878),
Physiologist*



Chart 3: Witnesses Interviewed

| Witness | # of Witnesses Interviewed | Percentage of Total |
|----------------|-----------------------------------|----------------------------|
| Civilian | 190 | 43% |
| Police | 247 | 57% |
| TOTAL | 437 | 100% |

Type of Cases Investigated by CCA

Of the one hundred and eight (108) cases investigated by CCA in 2008, there were two hundred and sixteen (216) allegations. Chart 4 shows eighty-one (81) use of force/excessive force allegations, seven (7) discharge of a firearm incidents; six (6) involved dogs and one (1) was an accidental discharge. There were forty-seven (47) improper search/seizure/entries, fourteen (14) improper pointing of a firearm, eighteen (18) discrimination, twenty-three (23) discourtesy, twenty-two (22) improper procedure, two (2) death in custody and two (2) lack of service allegations. In 2008 the use of force/excessive force increased by 25% and improper search/seizure/entry complaints increased by 33% compared to 2007.

Chart 4: Types of Cases Investigated

| Allegation Type | # of Allegations | Percentage of Total |
|--------------------------------|-------------------------|----------------------------|
| Use of Force/Excessive Force | 81 | 38% |
| Discharge of a Firearm | 7 | 3% |
| Improper Search/Seizure/Entry | 47 | 22% |
| Improper Pointing of a Firearm | 14 | 7% |
| Discrimination | 18 | 9% |
| Discourtesy | 23 | 11% |
| Improper Procedure | 22 | 10% |
| Death in Custody | 2 | 0% |
| Lack of Service | 2 | 0% |
| TOTAL | 216 | 100% |

Director Recommendation

Chart 5: Director's Recommended Findings

| Finding | # of Findings | Percentage of Total |
|----------------|----------------------|----------------------------|
| Sustained | 44 | 20% |
| Not Sustained | 98 | 46% |
| Exonerated | 38 | 17% |
| Unfounded | 36 | 17% |
| TOTAL | 216 | 100% |

City Manager's Review

Upon completion of an investigation, the director forwards the investigative report to the board. If the board conducts a review hearing, its purpose shall be to confirm completeness of CCA's investigation and approve or disapprove the director's report. Where the findings and recommendations are approved, they shall be submitted to the Chief of Police and City Manager. The City Manager shall agree, disagree or agree in part with any findings and recommendations either of the board or director and shall inform the director and the board in writing of any reason for agreeing in part or disagreeing with the findings and recommendations.

Of the investigations completed in 2008, the City Manager reviewed two hundred and sixteen (216) allegations. In those investigations where the City Manager agreed or disagreed, with the recommended findings, the reason for the action was forwarded to CCA in writing.

Chart 6: City Manager's Review

| City Manager's Disposition | # of Reviews | Percentage of Total |
|----------------------------|--------------|---------------------|
| Agree | 212 | 98% |
| Disagree | 4 | 2% |
| TOTAL | 216 | 100% |

2006 U.S. Census Bureau

Chart 7: The 2006 U.S. Census Bureau Cincinnati Population

| | | |
|---------------------|---------|-------|
| Population | 332,252 | 100% |
| Male | 156,822 | 47.2% |
| Female | 175,430 | 52.8% |
| Caucasian | 175,492 | 53% |
| African American | 142,176 | 43% |
| Other Ethnic Groups | 14,584 | 4% |

* Data collected from <http://quickfacts.census.gov>

Cincinnati Police Department Ethnicity and Gender

CPD currently has one thousand and ninety-two (1092) sworn officers. Eight hundred and fifty-two (852) are male and two hundred and forty (240) are female. Seven hundred and thirty-seven (737) are Caucasian, three hundred and forty (340) are African American and fifteen (15) are classified as other ethnicity*. CPD's recruit class is not included in the data below.

Chart 8: Cincinnati Police Department Ethnicity and Gender

| Rank | Male | Female | Caucasian | African-American | Female/Other | Male/Other |
|----------------------|------|--------|-----------|------------------|--------------|------------|
| Chief | 1 | | 1 | | | |
| Assistant Chief | 4 | 1 | 4 | 1 | | |
| Captain | 17 | 2 | 18 | 1 | | |
| Lieutenant | 39 | 9 | 40 | 8 | | |
| Sergeant | 154 | 23 | 123 | 53 | | 1 |
| Specialist | 104 | 35 | 120 | 18 | 1 | |
| Officer | 533 | 170 | 431 | 259 | | 13 |
| TOTAL | 852 | 240 | 737 | 340 | 1 | 14 |
| Percentage of Totals | 78% | 22% | 68% | 31% | 0% | 1% |

* Data collected from CPD as of 10/14/08

CCA/CCRP Complaints by Complainant's Gender

During 2008, there were three hundred and thirteen (313) complaints with some incidents where the complainant filed multiple allegations regarding the same interaction. Chart 9 shows the genders of the complainant in relation to the total number of complaints. There were one hundred and fifty-four (154) complaints filed by males, one hundred and fifty-one (151) complaints were filed by females and eight (8) complainants gender were unknown.

Chart 9: CCA/CCRP Complaints by Complainant's Gender

| Gender | Total | Percentage of Total |
|---------|-------|---------------------|
| Male | 154 | 49% |
| Female | 151 | 48% |
| Unknown | 8 | 3% |
| TOTAL | 313 | 100% |

CCA/CCRP Complaints by Complainant's Ethnicity

Chart 10 shows complainant's ethnicity. Two hundred and one (201) complaints were filed by African Americans, eighty-nine (89) were made by Caucasians and twenty-three (23) were made by unknown or other ethnic background.

Chart 10: CCA/CCRP Complaints by Complainant's Ethnicity

| Ethnicity | Total | Percentage of Total |
|------------------|-------|---------------------|
| African American | 201 | 64% |
| Caucasian | 89 | 28% |
| Other/Unknown | 23 | 8% |
| TOTAL | 313 | 100% |

CCA/CCRP Allegations by Gender of Officer

During 2008, there were cases where the complainant filed multiple allegations against the same or multiple officers. Of the three hundred and thirteen (313) complaints reviewed, there were four hundred and ninety-three (493) allegations involving four hundred and twenty (420) officers. Chart 11 shows the gender of the officer compared with the total number of allegations. An officer will be counted once in a complaint even though they may have more than one allegation. Three hundred and forty-five (345) male officers, sixty-three (63) female and twelve (12) unknown genders account for the four hundred and ninety-three (493) allegations.

Chart 11: CCA/CCRP Allegations by Gender of Officer

| Gender | Total | Percentage of Total |
|---------------|-------|---------------------|
| Male | 345 | 82% |
| Female | 63 | 15% |
| Other/Unknown | 12 | 3% |
| TOTAL | 420 | 100% |

CCA/CCRP Allegations by Ethnicity of Officer

Of the four hundred and ninety-three (493) allegations against four hundred and twenty (420) officers; two

hundred and thirty-nine (239) were filed against Caucasian officers, one hundred and forty-seven (147) were filed against African American officers, five (5) were filed against Hispanic officers, four (4) were filed against Asian officers, and twenty-five (25) were filed against unknown ethnic backgrounds.

Chart 12: CCA and CCRP Allegations by Ethnicity of Officer

| Ethnicity | Total | Percentage of Total |
|------------------|--------------|----------------------------|
| Caucasian | 239 | 57% |
| African-American | 147 | 35% |
| Hispanic | 5 | 1% |
| Asian | 4 | 1% |
| Unknown | 25 | 6% |
| TOTAL | 420 | 100% |

Citizen Complaint Resolution Process (CCRP)/Referrals

CCA referred to CPD one hundred and ninety-two (192) cases with two hundred and sixty-four (264) allegations. There were an additional thirteen (13) cases/allegations that were classified as non-jurisdiction or criminal. Eight (8) CCRP cases with fourteen (14) allegations had not been returned that were either not completed in a timely manner of initially sent to CCA for review.

Chart 13: CCRP/Referrals

| | | |
|--------------------|------------|-------------|
| Cases Completed | 184 | 96% |
| Cases Not Returned | 8 | 4% |
| TOTAL | 192 | 100% |

Allegations

One hundred and ninety-two (192) complaints were referred to CPD in 2008, consisting of two hundred and sixty-four (264) allegations. CCA referred seventy-nine (79) allegations of discourtesy, one hundred and eighteen (118) allegations of lack of service, fifty-eight (58) allegations of improper procedure, and five (5) allegations of harassment. Four (4) unclassified allegations are not included in the types or findings. These four allegations are not included in the types or findings. In 2008, discourtesy allegations decreased by 11% where lack of service increased by 3% and improper procedure by 8% compared to 2007.

Chart 14: CCRP Allegation Types

| Allegation Type | Total | Percentage of Total |
|------------------------|--------------|----------------------------|
| Discourtesy | 79 | 31% |
| Lack of Service | 118 | 45% |
| Improper Procedure | 58 | 22% |
| Harassment | 5 | 2% |
| TOTAL | 260 | 100% |

Chart 15: Case Findings

| Finding | Total | Percentage of Total |
|---------------------|--------------|----------------------------|
| Sustained | 55 | 21% |
| Not Sustained | 93 | 35% |
| Exonerated | 43 | 16% |
| Unfounded | 49 | 19% |
| Allegations pending | 20 | 8% |
| Not Classified | 4 | 1% |
| TOTAL | 264 | 100% |

Cincinnati Police Districts

Chart 16 lists the districts where CCA/CCRP complaint incidents occurred.

Chart 16: Districts

| District | Total | Percentage of Total |
|-----------------|--------------|----------------------------|
| 1 | 39 | 24% |
| 2 | 35 | 11% |
| 3 | 66 | 21% |
| 4 | 71 | 24% |
| 5 | 56 | 18% |
| Unknown | 7 | 2% |
| TOTAL | 313 | 100% |

Chart 17: Highest Number of Complaint Types

| Allegations (complaint types) | Month, including # of complaint types |
|--------------------------------------|--|
| Use of Force/Excessive Force | September (10) |
| Improper Search/Seizure/Entry | November (8), and December (10) |
| Improper Pointing of a Firearm | April (3) and August (3) |
| Discrimination | September (5) |
| Discourtesy | September (21) |
| Improper Procedure | September (18) |
| Lack of Service | October (17) and November (17) |

Neighborhoods

Chart 18 lists the neighborhoods where incidents occurred.

Chart 18: Neighborhoods

| Neighborhood | # of Complaints | Neighborhood | # of Complaints | Neighborhood | # of Complaints |
|-------------------|-----------------|-------------------|-----------------|--------------------|-----------------|
| District 1 | | District 3 | | District 5 | |
| CBD/Riverfront | 23 | East Price Hill | 8 | Camp Washington | 2 |
| Mt. Adams | 2 | East Westwood | 1 | Clifton | 14 |
| Over-the-Rhine | 39 | Fay Apartments | 1 | Clifton-University | 7 |
| Queensgate | 1 | Lower Price Hill | 3 | College Hill | 6 |
| West End | 9 | Millvale | 2 | Mt. Airy | 7 |
| | | North Fairmount | 3 | North Avondale | 1 |
| TOTAL | 74 | Price Hill | 15 | Northside | 11 |
| | | Sedamsville | 2 | Spring Grove | 4 |
| District 2 | | South Fairmount | 5 | Winton Hills | 2 |
| California | 1 | S. Cumminsville | 3 | Winton Place | 1 |
| Columbia Tusculum | 2 | West Price Hill | 4 | Unknown | 1 |
| East End | 2 | Westwood | 18 | TOTAL | 56 |
| East Walnut Hills | 1 | Unknown | 1 | | |
| Evanston | 7 | TOTAL | 66 | Unknown Districts | 7 |
| Hyde Park | 5 | | | | |
| Kennedy | 1 | District 4 | | | |
| Linwood | 1 | Avondale | 25 | | |
| Madisonville | 9 | Bond Hill | 17 | | |
| Mt. Lookout | 2 | Carthage | 2 | | |
| Mt. Washington | 1 | Corryville | 3 | | |
| Oakley | 1 | East Walnut Hills | 2 | | |
| O'Bryonville | 1 | Mt. Auburn | 3 | | |
| Pleasant Ridge | 4 | Roselawn | 4 | | |
| Unknown | 1 | Walnut Hills | 14 | | |
| TOTAL | 39 | Unknown | 1 | | |
| | | TOTAL | 71 | | |

Chart 19: Highest Number of Complaints Received By District

| District | Month, including # of complaints received |
|----------|---|
| 1 | November (9) and October (9) |
| 2 | April (6) |
| 3 | September (10) |
| 4 | September (13) |
| 5 | October (10) |

CCA Complaints Involving Detail Officers

There were ten (10) complaints that involved officers on details from the one hundred and eight (108) CCA investigations.

APPENDIX I COMPLAINT PATTERNS (OFFICERS AND CITIZENS)

*Interdepartmental
Correspondence Sheet*

City of Cincinnati



Date: January 9, 2009

To: Thomas H. Streicher Jr., Chief of Police

From: Kenneth E. Glenn, Director, CCA

Copies: Milton R. Dohoney, Jr., City Manager; CCA Board Members; K. Farrell, FOP President

Subject: CCA 2008 Officer and Citizen Complaint Patterns Report

Section eighty-three of the Collaborative Agreement states the following:

The CCA will examine complaint patterns that might provide opportunities for CPD and the community to reduce complaints. At a minimum, CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complaints, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.

Following this directive, CCA conducted a study and has identified repeat officer and citizen complaints for 2008. In 2006, the criterion used was any officer with complaints from at least 10 complainants over a three-year period was identified. Additionally, any citizen who filed more than 3 complaints during that same three-year period was identified. For this report, CCA examined the years 2006 through 2008 using the same criteria.

The 2008 report has identified 6 officers and 3 citizens. The 2008 report shows an increase of 50% in the total number of officers. Of the 6 officers identified, 2 officers remained from the 2006 and 2007 report. An additional officer who is on the 2008 report was also on the 2006 report. In the 2008 report, 2 officers from the 2007 report had additional complaints filed against them in 2008. Four of the six officers were from District 5. Over the three-year period, there were 107 allegations against the 6 officers. Forty-three (43) or 40% were discourtesy and twelve (12) or 11% were use of excessive force.

The 2008 report shows 3 citizens the same number as the 2007 report. Of the 3 citizens identified for the 2008 report, one citizen was from the 2007 report. One citizen identified in the 2007 report filed an additional complaint. The 3 identified citizens for the 2008 report filed 10 allegations. Seven (7) or 70% were discourtesy and none were use of excessive force.

The officers and citizens are listed alphabetically.

APPENDIX I COMPLAINT PATTERNS (OFFICERS AND CITIZENS) Continued

Repeated Officers Complaints

CCA examined the following criteria:

- 2006 - 2008
- Officers with complaints from at least 10 complainants

Officers Complaint Pattern Report:

1. Officer Thomas Haas, District 5: 21 allegations from 17 complaints *
2. Officer Karoline Harris, District 5: 20 allegations from 15 complaints
3. Officer John Haynes, District 5: 17 allegations from 12 complaints
4. Officer Mark Longworth, District 4, 15 allegations from 10 complaints**
5. Officer Luke Putnick, District 2: 19 allegations from 14 complaints
6. Officer Anthony Upchurch, District 5: 14 allegations from 12 complainants*

** Officer appeared on the 2006 and 2007 Patterns Report*

*** Officer appeared on the 2005 and 2006 Pattern Report*

Repeated Citizens Complaints

CCA examined the following criteria:

- ☐ 2006-2008
- ☐ Citizens with 3 complaints from the last 3 years.

Citizen Complaint Pattern Report:

1. Laverne Gaskins: Ms. Gaskins had 3 complaints with 3 allegations
2. Amar Gueye: Mr. Gueye had 4 complaints with 4 allegations*
3. Christine Lee: Ms. Lee had 3 complaints with 3 allegations*

** Citizen appeared on the 2007 Pattern Report*

APPENDIX II DEFINITION OF TERMS

1. Allegation - When a citizen accuses an officer of a specific wrongdoing.
2. Case - The identification of an investigation assigned to a complaint.
3. Complainant - A citizen filing a complaint against CPD sworn officer(s).
4. Complaint - An allegation (excluding any criminal investigation) from any source, of any action or inaction by CPD personnel which the source considers to be contrary to law, proper procedure, good order, or in some manner prejudicial to the individual, CPD or to the community.
5. Death in custody - A person who dies while in police custody whether or not the police officer's action contributed to the death. "In custody" is defined as under the control of the police. The control does not have to be an arrest or physical possession of a person.
6. Exonerated - Where a preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training.
7. Finding - The conclusion of the investigation of the allegations against an officer.
8. Improper pointing of firearms - When an officer points a firearm at a person without just cause.
9. Investigation - Includes but not limited to interviewing witnesses, collecting evidence and concluding a finding.
10. Non-jurisdiction - The term "non- jurisdiction" includes but not limited to an allegation against a sworn Cincinnati police officer outside of the city limits or a non-Cincinnati police officer or CPD's non-sworn personnel and any criminal allegation.
11. Not sustained - Where there are insufficient facts to decide whether the alleged misconduct occurred.
12. Officer - The term "officer" or "police officer" means any sworn law enforcement officer employed by the CPD.
13. Racial discrimination - Contact or action against a citizen by an officer that was motivated by the race of a person.
14. Discharge of a firearm - Any and all discharging of a firearm by a Cincinnati police officer either intentional or accidental. This includes accidental discharge of a firearm whether the projectile strikes anything or not and intentional shooting at a person or animal.
15. Sustained - Where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper.
16. Unfounded - Where investigation determined no facts to support the incident complained of actually occurred.
17. Improper search - The search of one's property (residence, vehicle, etc.) or person without just cause or a search warrant. The search is not improper if it is incident to an arrest or written permission is granted to conduct the search. The courts have granted exceptions to searches without a search warrant and each specific incident should be reviewed.
18. Improper seizure - The seizure of one's property without the permission of the owner/possessor or a warrant. The courts have granted exceptions to a seizure without a search warrant and each specific incident should be reviewed.
19. Use of excessive force - Officer(s) use of some type of force whether physical or by instrument that is beyond what is reasonably necessary.
20. Use of force - Officer(s) use of some type of force whether physical, instrumental, or physical contact restricting the movement of a person.

APPENDIX III PHOTO CREDITS

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